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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,204	08/05/2003	Kim Marie Clark	WOOK102	6832
21658 7590 10/15/2007 DYKAS, SHAVER & NIPPER, LLP P.O. BOX 877 BOISE, ID 83701-0877			EXAMINER AHMAD, NASSER	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 10/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/634,204	Applicant(s) CLARK, KIM MARIE	
	Examiner Nasser Ahmad	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 is/are allowed.
- 6) ☒ Claim(s) 5-10 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Rejections Withdrawn

1. Claims 1-3, 5-9 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Blackburn (5190533) made in the Office Action of 5/7/2007 has been withdrawn in view of the amendment filed on 8/7/2007.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3, 5-10 and 20 are have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5-10 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Blackburn (5190533).

Blackburn relates a cover device comprising a lengthwise strip of fabric (28) (col. 6, lines 32-34) having a rectangular structure as is well known in the diaper area and as shown in figure-1, a first and second elastic strips (35, 35') are hemmed along the first and second lengthwise edge of the fabric with a gathered configuration (col. 6, lines 46-

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49), a strip of pressure sensitive adhesive tab (39) is adhered to said strip of fabric substantially along said first lengthwise edge and a liner (39b) releasably covers said adhesive surface (39a) (col. 6, lines 49-53).

The preamble recitation "A cord cover" has not been given patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory phrase. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

As for claim 5, the intended use phrases such "configured to envelope a linear object such as a cord, chandelier chain or pipe", "said pressure sensitive adhesive to be selectively adhered to said exterior side of said fabric substantially along said exterior side of said strip of fabric substantially along said second lengthwise edge so that said first and second lengthwise edges overlap one another and are aligned generally parallel to one another to thereby form a tubular configuration configured to envelope said linear object, said tubular configuration having first open end formed along said first lengthwise edge and a second open end formed along said second lengthwise edge ", etc. have not been given any patentable weight because said phrases are not found to be of positive limitations.

For claim 6, the adhesive is a transfer tape as it is adhered to the fabric surface.

Regarding claim 7, the transfer tape has a removable liner (39b) on said fastening side to thereby assist in preserving adhesive properties of said pressure sensitive adhesive.

For claim 8, the adhesive tab is reusable a limited number of times because it adheres to a reusable surface. Further, it is well known in the diaper art to use reusable adhesive tabs as evidenced by Rogers (USP 5569229, in col. 3, lines 5-10).

Similarly, for claim 9, figure-1, shows that the adhesive tape is discontinuous.

As for claim 10, it has been addressed in the rejection of claim 5 hereinabove.

Regarding claim 20, the fabric in /Blackburn is shown to be generally rectangular as shown in figure-1.

The intended use phrases (in claim 20) such as "*configured to envelope* a linear object such as a cord, chandelier chain or pipe", "said liner selectively removable from said fastening side of said transfer tape to thereby allow said fastening side of said transfer tape to be selectively adhered to said exterior side of said fabric substantially along said exterior side of said strip of fabric substantially along said second lengthwise edge so that said first and second lengthwise edges overlap one another and are aligned generally parallel to one another to thereby form a tubular configuration configured to envelope the linear object, said tubular configuration having first open end formed along said first lengthwise edge and a second open end formed along said second lengthwise edge", etc. have not been given any patentable weight because said phrases are not found to be of positive limitations.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10, as stated, fails to further limit independent claim 5, which includes all the features recited in claim 10.

Response to Arguments

7. Applicant's arguments filed 8/7/2007 have been fully considered but they are not persuasive.

In response to applicants' arguments in item#8, applicant is directed to Blackburn wherein the device of Blackburn sets forth each and every element of the structure of the instant claimed device. As explained hereinabove, the claimed structure elements are anticipated by the Blackburn reference.

Regarding applicant's argument in item#9, applicant is informed that the device is "configured to envelope a linear object", is also not found to be of positive limitation because it is directed to an intended future use of the claimed product structure and is capable of enveloping when used as such. Thus, the structure of the claimed device does not depend on its intended use feature for completeness, and hence, Blackburn anticipates the invention, as claimed.

As for the argument in items#10 and #11, applicant should note that the argument is moot in view of the withdrawal of the rejection of claim 1.

Allowable Subject Matter

8. Claims 1-3 are allowed.

The prior art uncovered fails to teach a system comprising a linear object, said linear object selected from the group consisting of electrical cords, chandelier chains and pipes, and a strip of covering fabric having the structure described in claim 1.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-

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1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasser Ahmad 10/11/07
Primary Examiner
Art Unit 1794

N. Ahmad.
October 11, 2007.